



west virginia department of environmental protection

Division of Water and Waste Management
601 57th Street SE
Charleston, WV 25304
Phone Number (304) 926-0495
Fax Number (304) 926-0463

Jim Justice, Governor
Austin Caperton, Cabinet Secretary
dep.wv.gov

December 4, 2017

Appalachian Power Company
Attn: Alan R. Wood, P.E.
1 Riverside Plaza
Columbus, OH 43215

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Re: WV/NPDES Permit No. WV0116645
Pesticide General Permit for Point Source
Discharges

Dear Sir/Madam:

This correspondence is in response to your comment letter dated October 16, 2017 regarding the reissuance of WV/NPDES Permit No. WV0116645 Pesticide General Permit. The following is the agency's responses:

1. *The company commented that the previous pesticide general permit's condition requiring develop of a PDMP applied only to permittees who are required to submit a registration application and that the condition in the proposed draft permit to require authorized dischargers that are not required to apply for permit coverage to also develop a PDMP would place an undue burden on smaller dischargers.*

The DEP has revised the new general permit (GP) to be more consistent with the EPA's current Pesticide GP and the current WV/NPDES Pesticide GP by requiring only those permittees required to submit a permit registration application to develop and implement a PDMP.

2. *The company commented that the draft permit is unclear in stating which permit requirements apply to all permittees and which permit requirements apply only to permittees required to submit a registration application, particularly in Section G of the permit. The company also commented that smaller dischargers automatically authorized under the GP should not be required to keep more extensive records related to their discharges.*

Language in the permit has been revised to distinguish between conditions that apply to all permittees and those that apply only to permittees required to submit a permit registration application. The DEP feels that it is reasonable to require some recordkeeping for even small dischargers granted automatic authorization under the GP. Such documentation should be a part

of the permittees regular business records and will demonstrate compliance with the general permit.

3. *The company commented that Section D.2.c. should be removed and Sections D.2.e and D.2.i. be revised because the draft language is vague.*

The language in Section D has been revised to remove the referenced vague language. While the language has been removed, it should be noted that all discharges authorized under this general permit must meet the narrative water quality described in Title 47 Section 2.3 of the West Virginia Code of State Rules.

4. *The company commented that details of annual fee applicability, structure and schedule are unclear and proposed language relating to the validity of the permit being contingent upon the payment of such fees should be revised.*

The DEP feels that the language is sufficient. Only permittees required to submit a permit registration application are assessed annual permit fees and such fees are made clear in the issuance of the permit registration approval. As such, the GP has not been revised relative to this comment.

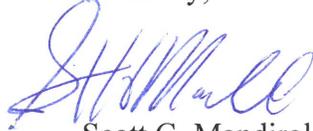
5. *The company suggested that for ease of access by interested parties, future draft permits should be made available online.*

The DEP has noted this suggestion and will consider making future draft general permits available online for ease of access.

The Division of Water and Waste Management reissued General West Virginia/National Pollutant Discharge Elimination System (WV/NPDES) Permit Number WV0116645 for Pesticide Point Source Discharges on December 4, 2017. Within 30 days of the issuance date of this general permit, anyone who may be adversely affected or aggrieved by the permit terms and conditions may file a Notice of Appeal with the Environmental Quality Board, 601 57th Street SE, Charleston, WV 25304. Telephone: (304)926-0445.

Thank you for your interest in this general permit.

Sincerely,



Scott G. Mandirola
Director

SGM:meg

cc: Env. Insp. Supv./Env. Insp.